

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No. 1456
LITIGATION)	
_____		CIVIL ACTION: 01-CV-12257 PBS
THIS DOCUMENT RELATES TO ALL)	
CLASS ACTIONS)	Judge Patti B. Saris
_____)

**PLAINTIFFS' STATEMENT IN RESPONSE TO MOTION FOR
ENTRY OF SEPARATE AND FINAL JUDGMENT IN FAVOR OF
DEFENDANT HOFFMANN-LA ROCHE INC. PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 54(B)**

Plaintiffs do not object to the entry of a separate and final judgment pursuant to Federal Rule of Civil Procedure 54(B) in favor of Defendant Hoffmann-La Roche so long as a dismissal with prejudice and entry of final judgment applies only as to the named Plaintiffs and not to the absent class members as a class has not been certified.

DATED: April 23, 2004

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing *Plaintiffs' Statement in Response to Motion for Entry of Separate and Final Judgment in Favor of Defendant Hoffman La-Roche, Inc. Pursuant to Federal Rule of Civil Procedure 54(B)* to be served on all counsel of record electronically on April 23, 2004, pursuant to Section D of Case Management Order No. 2.

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